(1947) Departmen

M/ SERIES.

G.C. .O. 1648

48

Dated 5 - 6 - 1957

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FOR MYSORE STATE

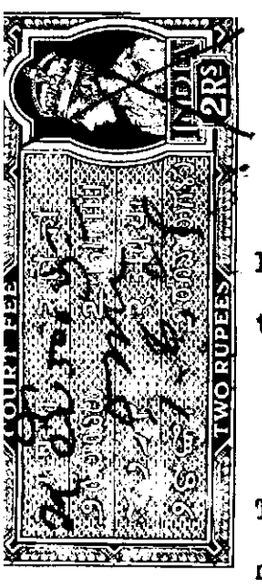
[Despatch Abstract.]

To

THE SECRETARY TO THE GOVERNMENT,

REVENUE DEPARTMENT, FORT ST. GEORGE,

GOVERNMENT OF MADRAS, MADRAS .



Kakubal Ekambarappa,

Merchant, Hospet. Appellant. 22 FEB 1950

vs

Collector of Bellary Respomdent.

In the matter of the assignment of a site S.No. 165/1 of Hospet town:-

f: Res. /RT. 2547 / dated 4-5-49 of the Board of Revenue, Chepauk, Madras.

The humble petition of Kakubal Ekambarappa Setty, merchant, Hospet most respectfully showeth:

I. that the petitioner had applied for the assignment of an open site measuring 30 I/2 feet by 3 feet in S.No. 165/I adjoining the petitioner's open space on the western side of his bullding.

2. that the site applied for had been recommended by the Tahsildar of Hospet, the Municipal Council Hospet and the Revenue Divisional Officer, Hospet, for assignment.

3.that the Collector of Bellary was pleased to order assignment of space measuring 27 feet by 5 feet in his Proceedings R.Dis 217/48 A3 dated 6-7-48. This space which had been assigned belongs to the petitioner as covered by the sale deed. The Collector assigned no new additional space as prayed for by the petitioner.

4. that the recommendations made by the officers referred to above for assignment of space of 27 feet by three feet was in addition to the one now assigned by the Collector of Bellary.

5. that the petitioner moved the Hon'ble the Board of Revenue , Madras for declaring the assigned site as the petitioner's own and order assignment of additional space and to refund the amount paid by the petitioner.

6. that the Hon'ble the Board of Revenue , Madras in Res. 8547 dated 4-5-49 dismissed the petition. Hence the press

7. that the petitioner invites the attention of the Government to one vital fact in this petition that the assignemnt ordered by the Collector forms the petitioner's own site and there can no assignment of the same. What was prayed for by the petitioner and recommended by the concerned officers was assignment of open space in addition to the space belonging to the petitioner.

8. It is therefore prayed that the Governemnt will be pleased to take the matter into consideration and be pleased to order assignment of additional space of 27 feet by feet to decalre the present assignemnt as petitioner's own site and to order refund of the amount paid into the Sub-Treasury Hospet, in Chalan No. 2 dated 26-7-48 or adjust the same for the market value of the site that will be assigned.

A R Krishnamurthy

Hospet. Advocate for the petitione

D/6-6-49

List of Documents filed:

Res. (RT) 2547/ dated 4-5-49 of the Board of Revenue, Madras in original.

A R Krishnamurthy
Advocate for
Applicant

BEFORE THE GOVERNMENT OF ~~MARAS.~~ Madras

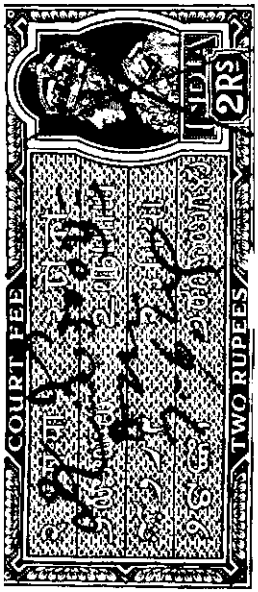
K.Ekambarappa Setty
merchant, Hospet. Petitioner.

vs

Collector of Bellary Respondent.

BEFORE THE SECRETARY TO THE GOVERNMENT

GOVERNMENT OF MADRAS.



M. Appeal /49

K. Ekambrappa
Bo Narayanappa
Merchant Hospet. Appellant

Collector of Bellary Respondent

VAKALAT.

Sri A.R. Krishna Rao, Advocate, Hospet

I K. Ekambrappa, Hospet hereby appoint and retain for me in the above appeal petition and to con and prosecute the same and all proceedings that may taken in repsect of any application for execution of decree or order passed therein. I empower my advoca to appeal in all misscellaneous proceedings in the ab appeal till all orders are fully satisfied or adjust and to obtain the return of documents

K. Ekambrappa

executed and signed before me

V. Narasimhan
Hospet
7.6.49

Res.(RT) 2547 d/ 4-5-49. Office of the Board of Revenue,
Chepauk, M a d r a s.

W. R. S. Sattianathan Esq., I.C.S., Commissioner of Land Revenue and Commercial Taxes.

Sub:- Assignment - H.s. - (Bellary)- Hospet taluk and town - S.No.665/1 application of Ekambarappa (Sri) K - rejected -appeal.

Read:- 1.Petition d/ 4-10-48 of Sri K.Ekambarappa.
2.Board's Ref.B.10376/48-1 dated 30-12-48.
3.Bellary Collector's Ref.C.758/49 A.s. d/27-2-49.

Resolution:-

The Board has perused the connected records and sees no reason to interfere with the Collector's order. The petition is dismissed.

(sd) D.Balasundaram,
Assistant Secretary.

To

The petitioner C/o.Sri.A.R.Krishna Rao, B.A., B.L., Advocate, Hospet, Bellary district.

Copy to the Collector of Bellary with records returned.
1. Collector's R.Dis.217/48 d/ 6-7-48.
2. R.Dis.1639/48 dated 11-8-1948.
3. T.H.R.Dis.26/55 dated 11-14-1948.

Forwarded / By Order /

Memo No 36237 P/49-1 dt 16.6.49

Assignment: (Bellary) - Hospet Taluk and Town. S No 165/1 (part) - Appeal Rejected against Board's order.

From K. E Kambarappa petition dt 7.6.49

A copy of the petition quoted, is forwarded to the Board of Rev for a report together with the Connected records

16.6.49

16.6.49

17.6.49

dt 14.6

Bd issue Memo

17.6.49

R. dt 25.2.50 to Bd

Remark Remark Reason

1-8-49 on 1-9-41

R. dt 31-12-49 to Bd

To

The Board of Rev

(with a copy of the petition on pp 1-2 cf)

dpd with records

S TMR

GOVERNMENT OF MADRAS
Revenue Department

Memorandum No.36237-FL/49-4, dated the 16th October 1949

ASSIGNMENT - (Bellary) - Hospet taluk and town - S.No.665/1(par
Rejected - Petition against Board's orders.

D.O.No.36237-FL/49-3, Revenue, dated 28-9-49.
From the Board of Revenue, D.O.No.B.6711/49-4, d/10-10-49.

A copy of Government Memorandum No.36237-F/49-1, Revenue, dated 17-6-49 with a copy of the enclosures is furnished. Both this and the Government Memorandum No. 36242-F/49-1, Revenue, dated 20-6-1949 relate to one and the same S.No. but the petitioners are from different persons and probably for two different sites in the same land.

T. Nambi Nair,
Assistant Secretary to Government.

To the Board of Revenue (with a copy of Government Memo No.36237-F/49-1, Revenue, dated 17-6-49 and a copy of enclosures there to).

---rded / by order,

Superintendent.

Department of Planning
Regional Office
Oakmont

Amendment No. 96537-R\9-4, dated the 16th October 1949

Re: Application (Dalitzy) - Prospect Terrace Unit 3 - L.P. 889\1(a
Application for Variation Granted, Oakmont Estate.

Your application of 12th September 1949, Reference D.0.Pro.8211\49-6, \j -10-49;
D.0.Pro.96537-R\9-4, Regional, 21st Sept 49-1-49.

Please find enclosed Amendment No.96537-R\9-1, dated 17-9-49 and a copy of
Regional, Plan 1\-6-49 with a copy of the variation in
question. Note this and the variation fees. Form 19,
96537-R\49-1, Section 4.1.2a-c-3.3 refers to a 6 yard type
Band B. No. Put the Building Line from Alder Ln Section Elm
Street 8'10". Both the Building Line from Alder Ln Section Elm
Street 8'10". Both the Building Line from Alder Ln Section Elm
Street 8'10". Both

REVENUE DEPARTMENT.

SUBJECT.

****

ASSIGNMENT—Site (Bellary) Hospet Taluk and Town—S.No.165/1 Petition of Ekambarappa—Report Submitted.

R.Dis:R.6772.

Station:Madras. Dated 28-4-1950.

From

Sri A.F.Mascarenhas, I.A.S., Secretary, Board of Revenue

Sri J.R.S.Sattianathan I.C.S., Commissioner of Land Revenue.

Read:-B.P.Rt.2547 dated 4-5-49.
Government Memo. (Rev.) No.36237/F 49-1 dated 17-6-1949.
Board's Ref: R.6772/49-1 dated 25-8-1949.
Bellary Collector's Ref:S.No.477/50 Dated 17-2-50. d/4-3-50.

R.Dis:

Submitted to Government.

2. The connected records are submitted herewith. The Board has no further remarks to offer.

For Secretary.

To the Secy. to Govt. Rev. Dept.
with the connected records by R.P. as per list.

1.R.Dis:1639/48 d/11-3-48.
2.R.Dis:26/55 d/11-11-48.
3.R.Dis: 217/48 d/6-7-48.
4.R.Dis:483/49 d/11-5-49.
5.B.P.Rt.2547/45-49

Copy of Bellary, Collector's letter Ref:S.No.477/50 Dated 17th February 1950.

Sub:-Assignment—Hospet Taluk and Town—S.No.165/1 Petition of Sri Ekambarappa

Ref:-Board's Ref:6772/49-1 Dated 10-2-1950.

A site measuring 27' x 5' in S.No.165/1 of Hospet town, adjoining Sri Ekambarappa's house was ordered to be assigned to him in this office R.Dis: 217/48 dated 6-7-48 on collection of value, dispensing with sale in public auction under S.3.0.21-A. He (Sri Ekambarappa) appealed to the Board of Revenue against the Collector's orders in R.Dis:217/48 dated 6-7-48, contending that the site assigned to him in the above orders really belonged to him and not to Government and that he was entitled for a refund of the market value of the site. The Board in its reference R.10370/48, dated 30-12-48 forwarded the petition of Ekambarappa for Collector's remarks. In reply to it it was reported to the Board that the site assigned to him in R.Dis:217/48 dated 6-7-48 belonged to Government and the connected records were submitted to the Board, with this office Ref:S.483/49 dated 27-4-49. After a perusal of the records and the report referred to above, the Board in its Ref: (B.P.Rt.) 2547/45-49 dismissed the petition of Ekambarappa stating that there was no reason to interfere with the Collector's orders dated 6-7-48. Sri Ekambarappa has now appealed to Government against the orders of the Board in its Proc.2547 dated 4-5-49. Files of the Collector R.Dis:217/48 and R.Dis:483/49 are enclosed. The records speak for themselves. I have no further remarks to add.

I am also calling for Hospet Sub-Collector's R.Dis:1639/48 and Hospet Tahsildar's T.R.S.R.Dis:26/55. I shall submit those files soon after receipt.

36237 H&J/37

issue with
ls, keep S/C
- return
KRN
3.6.50

Read: { from Sri. K. Ekambaraiah, Ho
w/s 1-2 c/f petition dated 7-6-1949.
{ from the Board of Revenue,
B. 6772 dated 28-4-1950

G.O. Ms. No. 1648 dated 5/6/-19

The petitioner is informe
that the Govt. see no reason to interfe
on his behalf. The petition is rejected

Sri K. Ekambaraiah
Petitioner thro' his
Advocate Sri. A.R.
Krishna Rao,
Advocate, Hospet
Bellary Dt

The Board of Revenue
with 5 items of records rcvd.

Deputy Rev
7.6.50

KRN
30.5.50

1/6/5

Dno 36237 F/48 Assignment - (Bellary) Hospet 7
S.No 165/1 - appeal against Boards order

fol 1-2 C7 From K. Kambarappa petition dt 7.6.48

To U.S.

Please see the petition and its enclosures on pp 1-6 C7

Para 1 page 1 C7 2. The petitioner seems to have applied to the Collr of Bellary for the assignment of a plot of land measuring 25 ft. x 5 ft. in S.No 165/1-A The Collr sanctioned the assignment. But the petitioners grievance was that the land assigned by the Collr was in fact his own and that his request was for a separate plot of land. Hence he appealed to the Board of Rev. The Board declined to interfere in the matter and rejected the appeal. The present petition in the C.7 is against the orders of the Board of Rev.

3. The petitioner has not enclosed copies of his previous petitions and a copy of the Collrs orders. It is not clear which was the particular plot of land he applied for assignment and which was the plot of land assigned by the Collr. ~~It is therefore for orders whether a report may be called for from the Board of Rev~~. There is no provision for an appeal to Govt in the matter.

KVJ 15.6.48 For orders whether it will be considered necessary to obtain a report in the matter with connected records. If considered unnecessary, the petnr may be informed that Govt decline to

for this

interfere on this behalf. The order
I. Re Vakalat on p. 5 c.f. bears a
Court fee stamp to the value of Rs. 2/- only
against the scheduled rate of Rs. 3/. Re
Petn. on p. 1 c.f. bears another Court fee
stamp for Rs. 2/. Hence the party need
not be asked to affix Court fee stamp
to the value of Re. 1/- more to the Vakalat.

With regd. to Orders passed, a draft
submitted for approval

Viewed as Govt. Memo. 3023/F/47-1 Dt. 17.6.47.
From the Bd. of Rev., L. Dis. B. 6772 Dt. 28.4.50.

A.S.

Please see the petition from Sri K. Ekambarappa on 2 c.f., the memo. on p.7 c.f. and the Collector's and Board's reports on p.9 c.f. The facts of the case are given below.

2. The petitioner applied for the assignment of a site measuring 30½' x 3' in S.No. 165/1 of Hospet town, Bellary District, adjoining his own house for the construction of a verandah. One Sri P.Balasubba Setty, another landlord owning a house which too adjoined the site applied for by the petitoner, also applied for the very same plot of land for the Tahsildar of Hospet, after personal inspection, recommended the assignment of the site in favour of the petitio

Sri K. Ekambarappa, on the ground that he ~~is~~ the first applicant and as he considered the application of Bala Subb Setty ~~to be mala fide.~~ his was bona fide ~~The then Sub-Collector, Hospet also inspected the site.~~ During his inspection in 1948 the R.D.O. found ~~out~~ that the site measuring 30' 6" x 5' in S.No. 165/1 which was already under the occupation of the petitioner belonged to the Govt. and he therefore recommended the assignment of the plot measuring 27' x 5' (within the site measuring 30' 6" x 5') to the petitioner. The Municipal Council had no objection to the proposed assignment. The Collector, after personal inspection, agreed with the R.D.O. and ordered the assignment of an extent measuring 27' x 5' to the petitioner on payment of market value at Rs. 2-8-0 per square yard under B.S.O. 21-14 dispensing with sale by public auction and subject to the payment of ground rent at ~~xx~~ Rs. 11-14-0 per acre which would be liable to revision according to the rules in force from time to time.

3. The petitioner appealed to the Board of Revenue against this order of the Collector on the ground that the site assigned to him was his private property covered by a sale deed of 1922. The petitioner requested that the site assigned might be declared as his private site and the market value collected in respect of the site might be ordered to be refunded and an additional extent of 27' x 3' might be ordered to be assigned in his favour. The Collector, however, reported that, on examination of the relevant documents, the site assigned to the petitioner had been found to be a Govt. site. As regards the assignment of the additional extent asked for by the petitioner, the Collector stated that Sri B. Setty had a door of his house opening into the site and that he had to be provided with some space for passage into the lane. He also pointed out that the lane took a turn at the spot and was peculiarly narrow and that the assignment of the full site would narrow the lane. As it was found from enquiry that the site in question was a Govt. site and that if the entire site was assigned to the petitioner, it would be prejudicial to the neighbouring house owner, the Board considered that there was no case for interference and accordingly dismissed the appea

4. Sri K. Ekambarappa has now submitted a petition to Govt. against the Board's orders. It may be mentioned in this connection that there is no provision for an appeal to Govt. in this matter. Further, the petitioner has not adduced any fresh facts necessitating interference by/Govt In the circumstances, it is for consideration whether the Govt. will decline to interfere on behalf of the petitioner

5. The file may be circulated to H.M. (L.R.) for orders.

Pl. show file cvo 36242 F/49. by sending up. 20/5
Shown and put up at (F)
22.5.50
22/5/50

29/1565

SECRETARY TO GOVERNMENT
29 MAY 1950
REVENUE DEPARTMENT

To A.S

Please see the orders circulation above A draft order is submitted below for approve

DEPUTY SECRETARY TO GOVERNMENT
29 MAY 1950
REVENUE DEPARTMENT